IMT Nuremberg Archives

H – 1021

International Court of Justice

H1021 – 0001

H1021 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

18 July 1946.

(THE COMMISSION CONVENED AT 1015 HOURS.)

COMMISSIONER: SA

Martin - Havard.

WERNER SCHAEFER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Riase your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

DR. BOEHM: Before I begin the hearing of this witness, I would like to make reference to an incorrect reporting, which resulted from a quotation used by the prosecution on December 19, 1945 from the presentation of the book submitted by the prosecution as Document US 432.

THE COMMISSIONER: Are you referring to a mistake in translation or to a mistake in reporting?

DR. BOEHM: I refer to a mistake in translation. A translation of the book, "Concentration Camp Oranienburg" By SA Sturmbannfuhrer Schaefer on page 65. The prosecution claims that the quotation is:

"Among those SA men were those who were the most trusted and who were the

H1021-0003

toughest followers, they were used as guardsmen and were given residence in the camp. By this measure it was designed to have permanent guards and a staff of experienced guards who were constantly prepared to be employed."

The actual text of the question is as follows: "The most reliable and oldest SA men were selected to serve as a permanent guardand to take residence within the camp. By that method we created a staff of experienced and always ready guardsmen. The sentence, which is contained in the other translation, that is the "Toughest" men were used for guardsmen is not contained in the original and cannot be concluded from the contents of the document. It is a correction of translation of the quotation used by the prosecution on December 19, 1945 to the effect that the toughest and the roughest followers were used as guardsmen and police at this point.

COLONEL JONES: I would like to say one word on that. It may be that it is due to an error in the translation, however, in the English version of that exhibit, which is PS 2824, the word "toughest " is not used, nor can any sense of "toughness" be read into the English translation. The only adjectives being used are "the most trusted and fittest."

DR. BOEHM: The only means that I can employ are the original book and the minutes of the meeting of December 19th. I say the translation is incorrect as the words "the toughest" do not appear on the original.

DIRECT EXAMINATION.

BY DR. BOEHM:

Q What is your vocation?

H1021 - 0004

A I am a Regierungsdirektor in the administration of Justice.

Q And at the end, you were commander of the administration of criminal penal institutions Emsland. Were you a member of the Nazi party or any of its organizations?

A Yes, since 1928 I was a member of the party and since then too I have belonged to the SA.

Q Since when did you hold the rank of an SA Oberfuehrer?

A Since 1938.

Q When were you commandant of the concentration camp Oranienburg?

A Since March, 1933 until March 1934 inclusive.

Q When was that camp built?

A The camp was built in March of 1933.

Q By whose initiative was it built.

A The camp was created by order of the SA Standarte 208. I think at that time I was ordered by the Commandant SA Standartenfuehrer, who had explained to me that he had received his instructions from the competent SA group, which in turn had receives its orders from the Prussian minister of the Interior and Prussian Minister President.

Q Who was the guard of that camp?

A SA men, who were made deputy policemen for that purpose.

Q Did those men have to undergo certain examinations as to their fitness for such guard duty or could any SA men serve in that function?

A Those candidates were examined as to their previous career and their character and the police had to testify that there was no elements of any kind against them. In regard to your second question, I should state that not every SA man became an assistant policeman - only the examined SA men and

H1021-0005

only they in a limited number were made available to the police as assistant policemen. They were characterized by a wide arm band, which was stamped by the police force.

Q Would that mean that those people were supervised and under the orders of the police?

A Yes, they were made available to the police in their function as SA men.

Q And for how long a period of time in that case?

A It was a temporary measure taken at that time.

Q Is it correct that that measure was in effect only from March, 1933 until the fall of 1934?

A As far as I can remember that is correct and that method was used only during that period of time.

Q Were you commandant of the concentration camp Oranienburg in your capacity as a member of the SA or rather as a member of the administration of the state and police?

A At that time I was competent leader of the SASturmbann Oranienburg and therefore I was requested to serve as commandant of that camp. However, I was told that I had been taken into consideration and was a candidate for office in the German State Police in Berlin. I was told by the SA Standartenfuehrer Schulze-Wechsungen that I was expected to function efficiently in that capacity since I had experience in police work.

Q What category of prisoners were kept in the Camp Oranienburg?

A There was a variety of prisoners. First, there was a group of

H1021-0006

political enemies, which we called activisits; secondly, there was a group of National Socialists who had been put into the camp because they had violated party disciplince. Also we kept in Oranienburg informers who against their better knowledge had reported personal enemies at that time. There was also kept there a small group of foreigners, who were sympathizers with the Nazi party and they were kept there because one anticipated difficulties in the field of foreign relations on their behalf. If you are interested, I do remember two names, one was the hetman of the Ukraine, Poltavitz-Ostranitza and he was a leader of the Ukraines. There was also the leader of the Russian National Socialistic group at that time, whose name I cannot remember unfortunately.

Q You mentioned before that there was in the camp National Socialists who had violated the party disciplince. What was the nature of those violations of disciplince?

A At that time it had become necessary to put a stop, under any circumstances, to all individual excesses, nevertheless individual cases of such excesses did take place and they were punished immediately by arrest and those people were put in the camp.

Q Would you count among those individual cases the so-called Einzelaktionen? This means individual excesses as directed against Jews?

A Yes, I remember a case in which two SA leaders were involved. They were Truppfuehrer Wessels and they were both put in the concentration camp Oranienberg because they had beaten a member of the Jewish race and this took place in Unter Den Linden in Berlin.

5

H1021 - 0007

Q What was the legal basis for being put into the concentration camp Oranienburg?

A The police issued an order that the individual should be put into protective custody.

Q It was therefore a police measure?

A Yes.

Q For what kind of work were the people who worked in protective custody used?

A They were used for all kinds of domestic activities and similar work in the camp and for the cultivation of the soil in Oraniensburg and in surrounding places.

Q Were these prisoners badly treated by the guards?

A Bad treatment was strictly forbidden.

Q Did you, in your capacity as commandant of the camp, receive any complaints from the prisoners in regard to bad treatment?

A I cannot remember any individual complaints.

Q Have you heard or did you have any knowledge or complaints on any situations, which would not be permissable.

A In my capacity as commandant of the camp, I took care personally of the complaints and I dealt personally with these complaints. I can remember I received some complaints in this respect.

Q Do I understand rightly you have had knowledge of individual cases of bad treatment?

A Yes - individual cases.

H1021-0008

Q Did you take any measures against these immediately?

A Yes.

Q Were there any executions in the camp during the time the camp was guarded by members of the SA?

A No and noone was placed before a firing squad because of attempted escapes.

Q As long as you were commandant of the camp, were there any machines for torturing prisoners or exterminating them?

A No.

Q When you left your post as commandant of the post, who guarded the camp afterwards?

A When I left the camp, members of the SA continued their activities, but after June 13, 1934 the SS took over.

Q The prosecution has submitted Document 423 and I quote from page 1550 of the minutes of December 19, 1945: "Among ~~them~~ the members of the SA, those were selected who were most trustworthy and/who were the toughest comrades, they were selected as guards and billeted in the camp." First, it was the general idea to have permanent guards and a staff of experienced guards who would always be ready for action." As I have already mentioned this quotation is wrong, however, in the beginning you were the first commandant of the camp?

A Yes, I was.

Q Did you want to give to this quotation the sense it should have and not as quoted from the minutes of December 19, 1945? What was the real purpose of your mentioning this fact on Page 65 of your book?

H1021-0009

A This was not my purpose. The words trustworthy was only referred to in the personality of the SA men in question. I have already mentioned in the beginning, these men were selected according to their police record and according to their past. They had really to be alright. In this sense, I attempted to express their trustworthiness and reliability.

Q For what length of time were these camps intended?

A It was only provisional measures. We had no special time in mind. We considered these camps as an instrument which would only last as long as it was necessary to consolidate the situation at that time.

Q Did you, on the ground of possible excesses, punish guards at the camp?

A I can remember in 1933 that two SA Sturmbannfuhrers, who had been assigned to a camp in Berlin to Graf Helldorf, who was at that time in charge of that section. These cases were not really serious offenses. It was more of a violation of the camp disciplince. They did not execute the orders as I gave them and in the long run they would have endangered the disciplince and the possible execution of my orders.

Q Do I understand you correctly in that sense? If there had been any excesses against the disciplince of the camp, you would have punished these offenders? Have you actually punished some of them?

A They were punished insofar as I reported them to my superior officer.

Q What happened to the two Sturmbannfuehrers which you just mentioned?

H1021 - 0010

A They had both been removed.

Q How can you interpret one statement that the guards always had handy to be ~~ready~~ and ready for action?

A It is an essential duty of the guard always to be readyfor action.

Q You wrote this book, entitled "Concentration Camp Oranienburg", which is submitted by the prosecution in Document US 423/ Are the contents of this book true?

A Yes.

Q Do you still think today that all which you have told in this book is true and right.

A Today, I have still no reason to denounce myself from this book.

H1021-0011

Q Is it true that you had trouble in Emsland because you had given more supplies to the prisoners than you should have done?

A I was not put in court on account of this misbehavior but it is right that after a discussion with Landesbauernfuehrer Gruenefeld in Oldenburg I introduced better supplies in the camp than they worked for.

Q Is it right that on account of your good conduct as commander of the camp you were appointed "Chef des Strafvollzugs des Reichsjustizministers?" (Chief of a commission in the Reichs Ministry of Justice.)

A After my activity in Oranienburg I was appointed commander of the Straf-gefangenlager and not Chief of the Strafvollzugs. After a few conversations and after all circumstances had been taken into account the Prussian Minister Kerrl had the intention to appoint me to that post and he had visited me at the camp of Oranienburg. He was obviously impressed by the cleanness and by the good order which reigned in that camp.

Q What was to be understood by the conception of SA Deputy Police? ~~Was~~ Were there SA men and auxiliary policemen and which were the tasks of the SA auxiliary policemen?

A The police forces which were at that time at our disposal were not thought sufficient in order to guarantee law and order in these times of revolution. It was for that purpose that the then prime minister Goering ordered that a certain number of police forces should be placed at the disposal of the police. I should like to stress particularly the point that only men who had a clean police record were hired for this job. Their tasks consisted in helping the ordinary policemen in patrol service and their task was, in a general way, that of the ordinary policeman.

H1021 - 0012

Q Were also members of other organizations entrusted with these tasks or only members of the SA?

A I can remember that at that time also members of the Stahlhelm and of the Bismarckbund were put at the disposal of the auxiliary police.

Q What did you consider your tasks in your capacity as commander of Oranienburg?

A I thought that my main task was, in the first place, to guarantee the o rderly and right execution of all orders which came through from superior officers. I also felt responsible for the prisoners who were entrusted to me and I thought it one of my main tasks to guarantee them a life which would correspond as far as was possible to the principles of human dignity. I attended to the minor cases which came to my knowledge myself and I exercised a certain influence in that way that these prisoners which were only responsible for minor offenses were released as soon as possible. I can remember the following cases of which I was in charge where I tried to get the prisoners out of the camp as soon as possible: First, Burgomeister of Bernau, who was released after a few hours; then the former Burgomeister of Oranienburg, Dr. Witte, then the well known German , Alfred Braun, and finally the State Attorney (Oberstaatsanwalt) Binder. I thought that these people were worthy of being released as soon as possible. I think it was due to this personal influence of mine that the major part of the prisoners were released Christmas.

Q Have you also dealt with the instruction of your guards?

A Yes. I think that it was due to my influence and this was as a matter of fact the purpose of my activity, that these men should be trained so that they would be reliable, good instruments in my hand in order to guarantee the maintenance of law and order and discipline in the camp.

H1021 - 0013

Q Was the camp supervised by any State Authority?

A Yes.

Q Who was this authority?

A I can remember that in this supervision took part the "Regierungspraesident" President of the Government of Potsdam, Chief of the Police, Helldorff, Landrat from Niederbarnim, Dr. Weiss, and other officials of the Ministry of the Interior.

Q Have they actually visited and inspected the camp?

A Yes.

Q You have written a book of the title "Concentration Camp Oranienburg". Why and for what purpose did you write that book?

A I wrote this book first, in order to enlighten and inform the German public opinion and secondly in order to inform the public opinion of other countries. I had not the intention of posing as an author but many articles which appeared in the press of other countries and which came to my knowledge induced me to take up the discussion. These articles for the major part did not correspond to reality and I thought that I could render a general service to humanity in fighting a poisoning of the public opinion of the whole world. Goering was convinced how easily the foreign press believed; later on I can prove, for instance, that the Times acted very loyally. When the then very popular attorney for defense, Dr. Levy, was released from the concentration camp of Oranienburg and afterwards emigrated to England he occasioned a correction in the Times and this was printed in the Times in a x prominent space. In this letter to the editor he corrected the statement that he was beaten up and mistreated in the camp of Oranienburg and he declared that this was not the case. To prove that the foreign press would act loyally and faithfully he sent me a copy of the correction in the times.

12

H1021 - 0014

Q Was the book published abroad?

A Only in Norway. My publisher in Berlin the former Mosse-Verlag but then Schützenverlag received offers for publication in England, France, and as far as I know also in Czechoslovakia but the offers were refused by this publisher.

Q Did foreigners or other prominent persons visit the camp or have the opportunity of doing so? Could they see the camp and also speak to prisoners?

A In the course of time there was a large number of foreigners who visited Oranienburg. There were members of the foreign press, especially English, Swedish, Swiss and Norwegian, as well as particularly interested private persons. In that connection I remember especially a very interested lady from London who, after she saw Oranienburg and had an opportunity to talk to prisoners freely, gave lectures to English society in London. Among others there was a rather large deputation of British ex-servicemen, a Chinese Military Mission and a large number of others persons, at the moment I can't remember just who they were. I want to emphasize that all those visitors had opportunity to ask any questions they liked. The lady from London, whose name I believe was Miss Bottomley, said "You will probably only show me what you want me to see. The rather unpleasant features of the concentration camp you probably won't show me." I suggested to her that she could move freely in the camp, open all the doors herself, speak to anyone to whom she liked. I even went so far as to tell her that if my presence was embarrassing in her conversation with prisoners she should tell me so and then I would whisk off.

Q How was the food. Did you have any influence on feeding those people and other supplies?

A Food was good, and plentiful. The best proof of this was the weights of the prisoners.

H1021 - 0015

Q That was only the time between 1933 and 1934?

A Yes. I can only report about that time. There were marked increases in the weights of the prisoners.

Q From a sanitary point of view was the camp under continuous supervision?

A It was continually under medical supervision by the Prussian State Authorities.

COMMISSIONER MARTIN-HAVARD: If we will have to go into all the details between 1933 and 1945 the Commission will take a rather long time to examine the case.

DR. BOEHM: The defense holds that the camp of Oranienburg was under SA supervision only during the time of 1933 to the 30th of June 1934. We can only submit proof for that time because after that the camp was handed over to the SS.

COMMISSIONER MARTIN-HAVARD: Would you please tell the witness not to go into too many details?

DR. BOEHM: I have only to ask about four major questions. The witness will give evidence about camps which were guarded by SA in that form of auxiliary police and special police. These were criminal prisoner camps in the Moorland, respecively Emsland. You honor will certainly know that the accusation against the SA is a very serious one, that the SA was guarding concentration camps, the camp of Oranienburg and others.

(A recess was taken.)

(COMMISSIONER GEORGE R. TAYLOR REPLACED COMMISSIONER MARTIN-HAVARD)

BY DR. BOEHM:

Q We stopped the description of the sanitary conditions in Oranienburg. I wanted to ask you if there were any sanitary installations, were there doctors and medical installations, were the rooms heated, and so on?

H1021 - 0016

A The camp was under continuous supervision of SA Sturmbannfuehrer Dr. Lazar. He was available all day. He had at his disposal a consulting room with all medical equipment, which was very good. On my initiative a modern latrine was built on a large scale; a large bathroom; large dormitories with beds, and a central heating plan was installed.

Q Was there a canteen in that camp?

A There was a canteen in the camp where the prisoners could satisfy their needs in every direction with exception of alcoholic drinks. They could buy smokes and additional food.

Q Now I want to finish my questioning with regards to concentration camp Oranienburg and want to continue with the presence in Emsland where members of the SA were made use of and I ask you, Mr. Schaefer, to be as short as possible. What was the reason to locate these prisoner camps in the Emsland?

A When the Prussian Minister President Goering had several prison camps installed in the Emsland in the year 1933 they were meant for prisoners who had to cultivate these moors. The guards were appointed from SS and SA. They had police schooling and were paid by the state. One day it was noticed that the SS men showed a behavior, very contrary to the rules laid down, towards the prisoners as well as to the population of the surrounding district. This gave reason to the competent Gauleiter of the Nazi Party, Karl Röver in Oldenburg, to put in a complaint with Goering. Therefore Goering put in police forces against the SS who committed excesses. Since at Christmastime 1933 many inmates of the concentration camp were released, the cultivation of the Emsland with prisoners became questionable. Therefore Goering offered those existing concentration camps to the Prussian Minister of Justice, Kerrl. These were the camps of Esterwegen, Borgermoor, Rhede, Neusustrum and Oberlangen. These camps were meant from now on for criminal offenders to cultivate those moors with them. Kerrl who knew me from Oranienburg,

H1021 - 0017

saw in my person a guarantee for the orderly execution of these cultivations. Therefore Kerrl suggested me as a commander of these future criminal offenders' colonies. On the 1st of April 1934 these camps were taken over by the Prussian Administration of Justice.

H1021 - 0018

Q Therefore, there was a difference between the Concentration Camp Oranienburg, and those camps named just now who were the Prussian Administration of Justice?

A Yes. In Oranienberg there were only prisoners who were imprisoned on the basis of orders for protective custody. In the camps there were only people who broke the law and were sentenced by ordinary courts. Thieves, housebreakers, and others.

Q The members of the SA who were employed there were therefore employees of the Prussian Administration of Justice?

A Yes,

Q Had these people the character of officials; so that therefore they were not active as members of the SA but as officials of the Reich?

A Yes.

Q Did the supreme leadership of the SA have power over the SA employed in these camps?

A No. The relationship between the supreme leadership of the SA and these SA men was the same as the relationship between them and those SA men who were economically independent or otherwise employed, privately. Official orders were not given to these men because they were under the Ministry of Justice.

H1021-0019

Q Was the supreme leadership of the SA in charge of these camps in the Emsland?

A The camps were no installations of the Part, but purely institutions of the State.

Q In other words, those SA men who were employed there, were there not because they were SA men but, as Goering already said on the witness stand, because they were fit for the job?

A Quite correct.

Q Perhaps you can make some short statement about the organization of these camps in the Emsland?

A As commander of these camps I united personally the office, chief of the Gaus, and chief of the civil administration of justice. As such I was directly subordinate to the Prussian Ministry of Justice. Beginning with 1935 there was in the place of Pappenburg, plenipotentiary of the Ministry.

Q Did foreigners have an opportunity to visit these camps, and to what extent?

A A rather large number of foreigners visited those camps and looked them over. The gentlemen of the International Congress for the Administration of Justice, I believe it was in 1936, had a survey inspection of the camps. Among the very noted people for International Administration of Justice, Dr. Kellerhals, ~~xxiss~~ from

H1021-0020

Switzerland, [redacted] since the chief of the American State prison Sing-Sing, the most noted counsel for defense from Portugal, University Professor Coimbra, the chief of the Dutch Administration of Justice. All these gentlemen were full of praise about the installations. Then once a large deputation of Swiss journalists were there, lead by an official of the American Embassy to Berlin. Among others there was an English politician, Sir Beamish who lives in Hollywood and formerly, I think, lived in Rhodesia and he, as far as I noticed, gave a very good description about the installation in the States.

Q Did you make any observations about the attitude of these prisoners to members of foreign military in connection with members of occupation who baled out of aircrafts?

A Here I can quote a spcial case. An English bomber crew was shot down over the Camp Rhede during a night flight. The rear gunner of that machine was seriously wounded, he was unable to free himself from that machine. The aircraft was in flames, and I could see myself how members of the SA saved his life, imperiling their own lives. I received a telephone call about that, and I communicated with Dr. Engel, the SA doctor, who came himself and gave first aid to the

H1021-0021

wounded man, and put bandages on him, and so on. In addition the SA men brought coffee for the captured men, gave them cigarettes, and the wounded man who was on a stretcher asked for permission to write to his mother. I gave that permission and forwarded that letter via the German Red Cross. Until we handed over these prisoners to the Wehrmacht they were regarded as guests of the men guarding the camp.

Q To sum up, is it correct that these camps in the Emsland were State institutions and not concentration camps?

A The Camp of Esterwegen was a Concentration Camp until the year 1936. And was managed by the SS. All the others were taken over by the Prussian Ministry of Justice by the 1st of April 1934 and became prison camps. Esterwegen became a prison in 1936, and was taken over in addition. The SS transferred their own concentration camp prisoners to Sachsenhausen. Both institutions were strictly separated from one another.

Q You mean Oranienburg and the other camps?

A Well, Esterwegen also, and these institutions.

Q And it is correct, too, that in these camps in the Emsland there were ordinary prisoners and not political prisoners?

A Almost without exceptions there were ordinary criminals, apartment from a small number of

H1021 - 0022

political prisoners who, however, were sentenced by the ordinary courts. But for all prisoners a sentence by a judge was the basis for their imprisonment.

DR. BOEHM: I have no further questions.

THE COMMISSIONER: Cross examination, Col Jones?

CROSS-EXAMINATION

BY COLGRIFFITH-JONES:

Q You told us a story about Dr. Ludwig Levy, and I see your book which you wrote on the concentration camp that you published the letter which he wrote to the Times in which he says that he was never maltreated while in your Oranienburg Concentration Camp. Dr. Levy was in Germany when he wrote that, wasn't he -- he was in Potsdam?

A No.

Q His letter -- the address given in his letter -- is Potsdam.

A He formerly used to be in Potsdam; he was a lawyer.

Q Where do you suggest he was when he wrote that letter?

A I got that letter from London.

Q Now, why should Dr. Levy write from London and put the letter hearing, Potsdam, in his letter?

H1021 - 0023

A May I ask for permission to see that book for a few moments?

(And the witness inspects the book.)

Q Now, perhaps you can answer my question. Why should he write Potsdam on his letter if in fact he was writing from London?

A I only know that as a matter of fact he wrote that article in London.

Q If in fact he was at Potsdam he is only some thirty miles from Oranienburg, is he not? Is that right?

A Yes. It is farther away from Oranienburg; but I don't knowhow to answer that question. I could not quite get it.

Q Do you think if Dr. Levy had been visited by the Gestapo or by SA and informed that he would return to Oranienburg if he didn't write the letter that you wanted, do you think that might have produced the letter?

A I don't think it, and furthermore I am firmly convinced that there was no pressure exercised on Dr Levy in this direction. All the more I am convinced that Dr Levy, whom I knew as a straightforward and honest man, wrote that letter in London on his own initiative.

Q The article that had appeared in the Times had described appalling ill treatment of prisoners

H1021 - 0024

in your Camp at Oranienburg, had it not? You can answer that yes or no.

A Yes. The article was.

Q And Dr. Levy's name had been mentioned as one of the prominent, or well-known prisoners?

A Yes.

Q If you wanted to refuse the allegations which were contained in that article, and if Dr Levy happened to be living at Potsdam, the best way you could refute these allegations would be by a letter from Dr Levy, would it not?

A Yes, Dr Levy sent me this correction on his own initiative from London.

Q Can you give me any explanation, can you offer any explanation, of why that article should have been written if in fact it was wholly untrue?

A It is very difficult to make a statement on that question. One answer might be, but this is my own guess, that some of those people who migrated to those countries were in financial difficulties, and so writing articles like that is a means of improving your position.

Q This is an article, you know, by a German correspondent of the Times newspaper. I want you to listen again, while the interpreter reads out a few short passages, of what that correspondent says happened in Oranienburg.

H1021 - 0025

INTERPRETER: (Quoting: Translating) "At once they shouted at us and they told us to take pur place in the line and then we were forced to climb on trucks which the Nazis had brought along with them. We had to leave everything. Whoev er did not hurry up and was not fast enough in climbing on these trucks were beaten with iron and rubber bars. Later on the SA leaders climbed from their trucks whereas we followed them in our trucks. On every truck there was a machine gun. We were allotted on these trucks always with 30 SA men to ten of us. The SA men came from Berlin and belonged to 3 Stuermann."

COL GRIFFITH-JONES: Now, will you listen to the next quotation from the interpreter?

THE INTERPRETER: (Still translating) "The SA told everybody that we were Jews and our fathers had brought on Germany and their many sons the war. When the people who were standing around heard this they insulted us and we were beaten when we tried to answer."

COL GRIFFITH-JONES: Did you ever see a thing like that happen in Oranienburg?

Now, go on, interpreter -- read those other passages.

INTERPRETER: "Whoever wanted to sit down was beaten." (Translation).

DR BOEHM: Let him read the German text too, please; he's just read the English.

H1021 - 0026

INTERPRETER: "Everybody received a small cup of coffee, and one piece of b read, and this was our first food on that day."

COL GRIFFITH-JONES: Did you ever hear SA men speaking of Jews and beating them like that... I don't suppose so.

THE WITNESS: No.

BY COL GRIFFITH-JONES:

Q SA men never did anything like that, did they?

A When these prisoners came in I was not present, but I know very well what the whole story was about.

Q I don't want to hear your story. You told me it never happened, is that correct? Or did it happen?

A I cannot answer this question as you put it because I was not here. It was strictly forbidden -- ill treatment was strictly forbidden -- and this would have been ill treatment.

Q Very well, just read on, will you, interpreter?

INTERPRETER: (Quoting - translating): "Well known prisoners were beaten more frequently than others, but everybody got his full share especially when the Nazis came from the little restaurants in the neighborhood in the evening, then it would happen that they came into the big hall and some of the prisoners were then terribly beaten."

H1021-0027

BY COL GRIFFITH-JONES:

Q That could not have happened without your knowing it, could it?

THE WITNESS: I should like to stress once more the fact that I do not know anything about prisoners being beaten and I do not helieve it.

Q Perhaps you can tell me now. Why should that German correspondent have written that, and why should the Times newspaper have published it, if it was one tissue of lies?

A The fact that I was convinced of the absolute untruthfulness of this report is the fact that I had it printed in my book.

Q What I want you to tell me, if you will, if you can, -- can you offer any explanation as to why that correspondent should have written it, and why the Times newspaper should have published it, if it is all a complete tissue of lies?

A I cannot tell you. I do not know anything about it.

Q That kind of treatment was going on in other concentration camps under the SA, wasn't it?

A As far as I can tell you anything about this problem, I can only state that as far as Oranienburg is concerned, never a case became a subject of war process, but I heard about at the trial - which dealt

H1021-0028

with the concentration camp of Hohenstein, as a result of which high prison sentences were pronounced against the defendants.

Q Did you ever heard that the Minister of Justice had complained about the treatment of prisoners by the SA in Hohenstein Concentral Camp?

A I only learned later that there had been a trial against the guards of Hohenstein.

Q Let me just remind you of what was happening in Hohenstein: The Minister of Justice writes -- and I refer to Document 787, US 421 -- In the camp serious mistreatment of prisoners has been going on at least since the summer of 1933. The prisoners were not only beaten into a state of unconsciousness for no reason with whips and other tools, but were also tortured in other ways." Then he sets out examples of the torture. He describes what happened to one prisoner. The prisoner was led across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles.

Do you agree with me that it is a most curious coincidence that that should have been going on in Hohenstein in 1933, and that the German correspondent of the Times newspaper should be writing of exactly the same thing going on in Oranienburg?

H1021-0029

A Personally, my capacity as an old SA leader -- I regret these conditions which I just learned reigned in the camp at Hohenstein, but I beg you to believe me that the description of Oranienburg as given in the articles of the Times which was mentioned here were untruthful, and I beg you to take into consideration the fact that the persons who have given this testimony here were inmates of charitable Jewish organizations in Berlin, and I beg you to take into consideration the fact that it was one of these young men who migrated to London and who saw immediately Mrs. Bossenby and cheated for money. These were explicitly criminal elements. With reference to those, Jewish charitable organizations had the greatest difficulties, and I may state in connection with this that the above mentioned Dr. Levy came to me and called my attention to the fact that these young men should be separated from the other prisoners in the interests of the other prisoners, and should be placed under better guard. Because they constituted a danger to the other prisoners by their very character.

Q Dr. Levy appears to be a very good friend of yours, doesn't he?

A I cannot say this.

Q He is warning you about dangerous Jews which you happen to have in your camp. I presume he is a

H1021-0030

Jew himself?

A Yes, of course, he was a Jew.

Q And then, when foreign newspapers tell the world what is going on in your camp he comes again to your rescue and writes you a letter that it is all untrue?

A I think that was most decent of him to write such a letter, and all the more that he was himself one of the victims of that treatment.

Q Not many Jews in Germany would do that to help the SA, would they, in 1933?

A That may be, I don't know anything about it.

Q Unless, of course, it was that they lived 30 or 40 miles away from Oranienburg and were threatened with immediate reincarceration in their camp if they did not do what you wanted?

A I must refute the application of such a method.

COL GRIFFITH-JONES: I have no further questions.

THE COMMISSIONER: Col Orlov?

COL ORLOV: No questions.

DR BOEHM: May I put one further question?

THE COMMISSION: Yes, we have the time.

BY DR BOEHM:

Do you know that the commander and gards of the concentration camp Hohenstein were heavily punished

H1021 - 0031

to prison sentences because of ill treatment of prisoners?

A Yes.

DR BOEHM: No further questions.

THE COMMISSIONER: Very well, the witness may be excused.

Col Neave wants me to ascertain whether there are any other SA witnesses to be heard tomorrow morning.

DR BOEHM: I just learned this morning that a witness by the name of Dr. Wolf is here, but I cannot tell you whether this is the right Dr. Wolf. We have already had two Dr. Wolfs, so I first have to inquire whether this is the Dr. Wolf we want here. But as far as I know another organization wants to hear another witness, even this afternoon. I do not know exactly.

THE COMMISSIONER: We will hear Hausser for the SS tomorrow afternoon at two o'clock, unless there are some SA witnesses that you want to hear in the morning.

DR BOEHM: I cannot say this, as I don't know whether this is the right Dr. Wolf. I will tell you at two o'clock.

THE COMMISSIONER: You will get in touch with Col Neave when you do ascertain.

The Commission Adjourned
until two o'clock.

H1021 - 0032

The fregoing is a true and correct transcript of the testimony of WERNER SCHAEFER, taken on 18 July 1946.

Alice Mahan
Reporter (pp 1-9)

Mabel A. Lesser
Reporter (pp 10-16

Binder
Reporter (pp 17-30

CERTI FIED TO :

A. Martin Howard.
Commissioner

H1021-0033

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

18 July 1946.

(THE COMMISSION CONVENED AT 1015 HOURS.)

S.A.

COMMISSIONER:

Mr. Martin-Havard.

WERNER SCHAEFER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE COMMISSIONER: You may be seated.

DR. BOEHM: Before I begin the hearing of this witness, I would like to make reference to an incorrect reporting, which resulted from a quotation used by the prosecution on December 19, 1945, from the presentation of the book submitted by the prosecution as Document US 432.

THE COMMISSIONER: Are you referring to a mistake in translation or to a mistake in reporting?

DR. BOEHM: I refer to a mistake in translation. A translation of the book "Concentration Camp Oranienburg" by SA Sturmbannfuehrer Schaefer on page 65 The prosecution claims that the quotation is: "Among those SA men were those who were the most trusted and who were the toughest followers, they were used as guardsmen and were given residence in the camp. By this measure it was designed to have permanent guards and a staff of experienced guards who were constantly prepared to be employed."

The actual text of the question is as follows: "The most reliable and oldest SA men were selected to serve as a permanent guard and to take residence within the camp. By that method we created a staff of experienced and always ready guardsmen. The sentence, which is contained in the other translation, that is the "Toughest" men were used for guardsmen is not contained in the original and cannot be concluded from the contents of the document. It is a correction of translation of the quotation used by the prosecution on December 1

H1021 - 0034

1945, to the effect that the toughest and the roughest followers were used as guardsmen and police at this point.

COLONEL JONES: I would like to say one word on that. It may be that it is due to an error in the translation, however, in the English version of that exhibit, which is PS 2824, the word "toughest" is not used, nor can any sense of "toughness" be read into the English translation. The only adjectives being used are "the most trusted and fittest."

DR. BOEHM: The only means that I can employ are the original book and the minutes of the meeting of December 19th. I say the translation is incorrect as the words "the toughest" do not appear on the original.

DIRECT EXAMINATION

BY DR. BOEHM:

Q What is your vocation?

A I am a Regierungsdirektor in the administration of Justice.

Q And at the end, you were commander of the administration of criminal penal institutions Emsland. Were you a member of the Nazi party or any of its organizations?

A Yes, since 1928 I was a member of the party and since then too I have belonged to the SA.

Q Since when did you hold the rank of an SA Oberfuehrer?

A Since 1938.

Q When were you commandant of the concentration camp Oranienburg?

A Since March, 1933 until March 1934 inclusive.

Q When was that camp built?

A The camp was built in March of 1933.

Q By whose initiative was it built?

A The camp was created by order of the SA Standarte 208. I think at that time I was ordered by the Commandant SA Standartenfuehrer, who had explained to me that he had received his instructions from the competent SA group, which in turn had received its orders from the Prussian Minister of the Interior and Prussian Minister President.

Q Who was the guard of that camp?

A SA men, who were made deputy policemen for that purpose.

Q Did those men have to undergo certain examinations as to their fitness

H1021-0035

for such guard duty or could any SA men serve in thatfunction?

A Those candidates were examined as to their previous career and their character and the police had to testify that there was no elements of any kind against them. In regard to your second question, I should state that not every SA man became an assistant policeman -- only the examined SA men and only they in a limited number were made available to the police as assistant policemen They were characterized by a wide arm band, which was stamped by the police force

Q Would that mean that those people were supervised and under the orders of the police?

A Yes, they were made available to the police in their function as SA men

Q And for how long a period of time in that case?

A It was a temporary measure taken at that time.

Q Is it correct that that measure was in effect only from March, 1933, until the fall of 1934?

A As far as I can remember that is correct and that method was used only during that period of time.

Q Were you commandant of the concentration camp Oranienburg in your capacity as a member of the SA or rather as a member of the administration of the state and police?

A At that time I was competent leader of the SA Sturmbann Oranienburg and therefore I was requested to serve as commandant of that camp. However, I was told that I had been taken into consideration and was a candidate for office in the German State Police in Berlin. I was told by the SA Standartenfuehrer Schulze-Wechsungen that I was expected to function efficiently in that capacity since I had experience in police work.

Q What category of prisoners were kept in the Camp Oranienburg?

A There was a variety of prisoners. First, there was a group of political enemies, which we called activists; secondly, there was a group of National Socialists who had been put into the camp because they had violated party discipline. Also we kept in Oranienburg informers who against their better knowledge had reported personal enemies at that time. There was also kept there a small group of foreigners, who were sympathizers with the Nazi party and they were kept there because one anticipated difficulties in the field of foreign relations on their behalf. If you are interested, I do remember two names, one was the hetman of the Ukraine, Poltavitz-Ostranitza and he was a leader of

H1021-0036

the Ukraine. There was also a leader of the Russian National Socialistic group at that time, whose name I cannot remember unfortunately.

Q You mentioned before that there was in the camp National Socialists who had violated the party discipline. What was the nature of those violations of discipline?

A At that time it had become necessary to put a stop, under any circumstances, to all individual excesses, nevertheless individual cases of such excesses did take place and they were punished immediately by arrest and those people were put in the camp.

Q Would you count among thos individual cases the so-called Einzelaktionen This means individual excesses as directed against Jews?

A Yes, I remember a case in which two SA leaders were involved. They were Truppfuehrer Wessels and they were both put in the concentration camp Oranienburg because they had beaten a member of the Jewish race and this took place in Unter Den Linden in Berlin.

Q What was the legal basis for being put into the concentration camp Oranienburg?

A The police issued an order that the individual should be put into protective custody.

Q It was therefore a police measure?

A Yes.

Q For what kind of work were the people who worked in protective custody used?

A They were used for all kinds of domestic activities and similar work in the camp and for the cultivation of the soil in Oranienburg and in surrounding places.

Q Were these prisoners badly treated by the guards?

A Bad treatment was strictly forbidden.

Q Did you, in your capacity as commandant of the camp, receive any complaints from the prisoners in regard to bad treatment?

A I cannot remember any individual complaints.

Q Have you heard or did you have any knowledge or complaints on any situations, which would not be permissible?

A In my capacity as commandant of the camp, I took care personally of the

H1021 - 0037

complaints and I dealt personally with these complaints. I can remember I received some complaints in this respect.

Q Do I understand rightly you have had knowledge of individual cases of bad treatment?

A Yes -- individual cases.

H1021 - 0038

Q Did you take any measures against these immediately?

A Yes.

Q Were there any executions in the camp during the time the camp was guarded by members of the SA?

A No and no one wasplaced before a firing squad because of attempted escapes.

Q As long as you were commandant of the camp, were there any machines for torturing prisoners or exterminating them?

A No.

Q When you left your post as commandant of the post, who guarded the camp afterwards?

A When I left the camp, members of the SA continued their activities, but after June 13, 1934 the SS took over.

Q The prosecution has submitted Document 423 and I quote from page 1550 of the minutes of December 19, 1945: "Among the members of the SA, those were selected who were most trustworthy and who were the toughest comrades, they were selected as guards and billeted in the camp. First, it was the general idea to have permanent guards and a staff of experiences guards who would always be ready for action." As I have already mentioned this quotation is wrong, however, in the beginning you were the first commandant of the camp?

A Yes, I was.

Q Did you want to give to this quotation the sense it should have and not as quoted from the minutes of December 19, 1945? What was the real purpose of your mentioning this fact on Page 65 of your book?

A This was not my purpose. The words trustworthy was only referred to in the personality of the SA men in question. I have already mentioned in the beginning, these men were selected according to their police record and according to their past. They had really to be alright. In this sense, I attempted to express their trustworthiness and reliability.

Q For what length of time were these camps intended?

A It was only provisional measures. We had no special time in mind. We considered these camps as an instrument which would only last as long as it

H1021-0039

was necessary to consolidate the situation at that time.

Q Did you, on the ground of possible excesses, punish guards at the camp?

A I can remember in 1933 that two SA Sturmbannfuehrers, who had been assigned to a camp in Berlin to Graf Helldorf, who was at that time in charge of that section. These cases were not really serious offenses. It was more a violation of the camp discipline. They did not execute the orders as I gave them and in the long run they would have endangered the discipline and the possible execution of my orders.

Q Do I understand you correctly in that sense? If there had been any excesses against the discipline of the camp, you would have punished these offenders? Have you actually punished some of them?

A They were punished insofar as I reported them to my superior officer.

Q What happened to the two Sturmbannfuehrers which you just mentioned?

A They had both been removed.

Q How can you interpret one statement that the guards always had to be handy and ready for action?

A It is an essential duty of the guard always to be ready for action.

Q You wrote this book, entitled "Concentration Camp Oranienburg", which is submitted by the prosecution in Document US 423. Are the contents of this book true?

A Yes.

Q Do you still think today that all which you have told in this book is true and right.

A Today, I have still no reason to denounce myself from this book.

Q Is it true that you had trouble in Emsland because you had given more supplies to the prisoners than you should have done?

A I was not put in court on account of this misbehavior but it is right that after a discussion with Landesbauernfuehrer Gruenefeld in Oldenburg I introduced better supplies in the camp than they worked for.

Q Is it right that on account of your good conduct as commander of the camp you were appointed "Chef des Strafvollzugs des Reichsjustizministers?"

9

H1021-0040

(Chief of a commission in the Reichs Ministry of Justice.)

A After my activity in Oranienburg I was appointed commander of the Strafgefangenlager and not Chief of the Strafvollzugs. After a few conversations and after all circumstances had been taken into account the Prussi Minister Kerrl had the intention to appoint me to that post and he had visited me at the camp of Oranienburg. He was obviously impressed by the cleanness and by the good order which reigned in that camp.

Q What was to be understood by the conception of SA Deputy Police? Were there SA men and auxiliary policemen and which were the tasks of the SA auxiliary policemen?

A The police forces which were at that time at our disposal were not thought sufficient in order to guarantee law and order in these times of revolution. It was for that purpose that the then prime minister Goering ordered that a certain number of police forces should be placed at the disposal of the police. I should like to stress particularly the point that only men who had a clean police record were hired for this job. Their tasks consisted in helping the ordinary policemen in patrol service and their task was, in a general way, that of the ordinary policeman.

Q Were also members of other organizations entrusted with these tasks or only members of the SA?

A I can remember that at that time also members of the Stahlhelm and of the Bismarckbund were put at the disposal of the auxiliary police.

Q What did you consider your tasks in your capacity as commander of Oranienburg?

A I thought that my main task was, in the first place, to guarantee the orderly and right execution of all orders which came through from superior officers. I also felt responsible for the prisoners who were entrusted to me and I thought it one of my main tasks to guarantee them a life which would correspond as far as was possible to the principles of human dignity. I attended to the minor cases which came to my knowledge myself and I exercised a certain influence in that way that these prisoners which were only responsible for minor offenses were released as soon as possible. I can remember the following cases of which I was in charge where I tried to get the prisoners out

H1021-0041

of the camp as soon as possible: First, Burgomeister of Bernau, who was released after a few hours; then the former Burgomeister of Oranienburg, Dr. Witte, then the well known German , Alfred Braun, and finally the State Attorney (Oberstaatsanwalt) Binder. I thought that these people were worthy of being released as soon as possible. I think it was due to this personal influence of mine that the major part of the prisoners were released Christmas.

Q Have you also dealt with the instruction of your guards?

A Yes. I think that it was due to my influence and this was as a matter of fact the purpose of my activity, that these men should be trained so that they would be reliable, good instruments in my hand in order to guarantee the maintenance of law and order and discipline in the camp.

Q Was the camp supervised by any State Authority?

A Yes.

Q Who was this authority?

A I can remember that in this supervision took part the "Regierungspraesident" President of the Government of Potsdam, Chief of the Police, Helldorff, Landrat from Niederbarnim, Dr. Weiss, and other officials of the Minister of the Interior.

Q Have they actually visited and inspected the camp?

A Yes.

Q You have written a book of the title "Concentration Camp Oranienburg". Why and for what purpose did you write that book?

A I wrote this book first, in order to enlighten and inform the German public opinion and s econdly in order to inform the public opinion of other countries. I had not the intention of posing as an author but many articles which appeared in the press of other countries and which came to my knowledge induced me to take up the discussion. These articles for the major part did not correspond toreality and I thought that I could render a general service to humanity in fighting a poisoning of the public opinion of the whole world. Goering was convinced how easily the foreign press believed; later on I can prove, for instance, that the Times acted very loyally. When the then very popular attorney for defense, Dr. Levy, was released from the concentration

H1021-0042

camp of Oranienburg and afterwards emigrated to England he occasioned a correction in the Times and this was printed in the Times in a prominent space. In this letter to the editor he corrected the statement that he was beaten up and mistreated in the camp of Oranienburg and he declared that this was not the case. To prove that the foreign press would act loyally and faithfully he sent me a copy of the correction in the Times.

H1021 - 0043

Q. Was the book published abroad?

A. Only in Norway. My publisher in Berlin the former Mosse-Verlag but then Schützenverlag received offers for publication in England, France, and as far as I know also in Czechoslovakia but the offers were refused by this publisher.

Q. Did foreigners or other prominent persons visit the camp or have the opportunity of doint so? Could they see the camp and also speak to prisoners?

A. In the course of time there was a large number of foreigners who visited Oranienburg. There were members of the foreign press, especially English, Swedish, Swiss and Norwegian, as well as particularly interested private persons. In that connection I remember especially a very interested lady from London who, after she saw Oranienburg and had an opportunity to talk to prisoners freely, gave lectures to English society in London. Among others there was a rather large deputation of British ex-servicement, a Chinese Military Mission and a large number of other persons, at the moment I can't remember just who they were. I want to emphasize that all those visitors had opportunity to ask any questions they liked. The lade from London, whose name I believe was Miss Bottomley, said "You will probably only show me what you want me to see. The rather unpleasant features of the concentration camp you probably won't show me." I suggested to her that she could move freely in the camp, open all the doors herself, speak to anyone to whom she liked. I even went so far as to tell her that if my presence was embarrassing in her conversation with prisoners she should tell me so and then I would whisk off.

Q. How was the food. Did you have any influence on feeding those people and other supplies?

A. Food was good, and plentiful. The best proof of this was the weights of the prisoners.

Q. That was only the time between 1933 and 1934?

A. Yes. I can only report about that time. There were marked increases in the weights of the prisoners.

Q. From a sanitary point of view was the camp under continuous supervision?

H1021-0044

A., It was continually under - lical supervision by the Prussian State Authorities.

COMMISSIONER MARTIN-HAVARD: If we will have to go into all the details between 1933 and 1945 the Commission will take a rather long time to examine the case.

DR. BOEHM: The defense holds that the camp of Oranienburg was under SA supervision only during the time of 1933 to the 30th of June 1934. We can only submit proof for that time because after that the camp was handed over to the SS.

COMMISSIONER MARTIN-HAVARD: Would you please tell the witness not to go into too many details?

DR. BOEHM: I hv e only to ask about four major questions. The witness will give evidence about camps which were guarded by SA in that form of auxiliary police and special police. These were criminal prisoners camps in the Moorland, respectively Emsland. Your honor will vertainly know that the accusation against the SA is a very serious one, that the SA was guarding concentration camps, the camp of Oranienburg and others.

(A recess was taken)

(COMMISSIONER GEORGE R. TAYLOR REPLACED COMMISSIONER MARTIN-HAVARD)

BY DR. BOEHM:

Q. We stopped the description of the sanitary conditions in Oranienburg. I wanted to ask you if there were any sanitary installations, were there doctors and medical installations, were the rooms heated, and so on?

A. The camp was under continuous supervision of SA Sturmbannfuehrer Dr. Lazar. He was available all day. He had at his disposal a consulting room with all medical equipment, which was very good. On my initiative a modern latrine was built on a large scale; a large bathroom; large dormitories with beds, and a central heating plan was installed.

Q. Was thers a canteen in that camp?

A. There was a canteen in the camp where the prisoners could satisfy their needs in every direction with exception of alcoholic drinks. They could buy smokes and additional food.

H1021 - 0045

Q. Now I want to finish my questioning with regards to concentration camp Oranienburg and want to continue with the presence in Emsland where members of the SA were made use of and I ask you, Mr. Schaefer, to be as short as possible. What was the reason to locate these prisoner camps in the Emsland?

A. When the Prussian Minister President Goering had several prison camps installed in the Emsland in the year 1933 they were meant for prisoners who had to cultivate these moors. The guards were appointed from SS and SA. They had police schooling and were paid by the state. One day it was noticed that the SS men showed a behavior, very contrary to the rules laid down, towards the prisoners as well as to the population of the surrounding district. This gave reason to the competent Gauleiter of the Nazi Party, Karl Röver in Oldenburg, to put in a complaint with Goering. Therefore Goering put in police forces against the SS who committed excesses. Since at Christmas time 1933 many inmates of the concentration camp were released, the cultivation of the Emsland with prisoners became questionable. Therefore Goering offered these existing concentration camps to the Prussian Minister of Justice, Kerrl. These were the camps of Esterwegen, Borgermoor, Rhede, Neusustrum and Oberlangen. These camps were meant from now on for criminal offenders to cultivate these moors with them. Kerrl who knew me from Oranienburg, saw in my person a guarantee for the orderly execution of these cultivations. Therefore Kerrl suggested me as a commander of these future criminal offenders colonies. On the 1st of April 1934 these camps were takne over by the Prussian Administration of Justice.

H1021-0046

Q. Therefore, there was a difference between the Concentration Camp Oranienburg, and those camps named just now who were the Prussian Administration of Justice ?

A. Yes. In Oranienburg there were only prisoners who were imprisoned on the basis of orders for protective custody. In the camps there were only people who broke the law and were sentenced by ordinary courts. Thieves, housebreakers, and others,

Q. The members of the SA who were employed there were therefore employees of the Prussian Administration of Justice ?

A. Yes.

Q. Had these people the character of officials; so that therefore they were not active as members of the SA but as officials of the Reich ?

A. Yes.

Q. Did the supreme leadership of the SA have power over the SA employed in these camps ?

A. No. The relationship between the supreme leadership of the SA and these men was the same as the relationship between them and those SA men who were economically independent or otherwise employed, privately. Official orders were not given to these men because they were under the Ministry of Justice.

Q. Was the supreme leadership of the SA in charge of these camps in the Emsland ?

A. The camps were no installations of the Part, but purely institutions of the State.

Q. In other words, those SA men who were employed there, were there not because they were SA men but, as Goering already said on the witness stand, because they were fit for the job ?

A. Quite correct.

Q. Perhaps you can make some short statement about the organization of these camps in the Emsland ?

A. As commander of these camps I united personally the office, chief of the Gaus, and chief of the civil administration of justice.

H1021-0047

As such I was directly subordinate to the Prussian Ministry of Justice. Beginning with 1935 there was in the place of Pappenburg, plenipotentiary of the Ministry.

Q. Did foreigners have an opportunity to visit these camps, and to what extent ?

A. A rather large number of foreigners visited these camps and looked the over. The gentlemen of the International Congress for the Administration of Justice, I believe it was in 1936, had survey inspection of the camps. Among the very noted people for International Administration of Justice, Dr. Kellerhals, from Switzerland, since the chief of the American State prison Sing-Sing, the most noted counsel for defense from Portugal, University Professor Coimbra, the chief of the Dutch Administration of Justice. All these gentlemen were full of praise about the installations. Then once a large deputation of Swiss journalists were there, lead by an official of the American Embassy to Berlin. Among others there was an English politician, Sir Beamish who lives in Hollywood and formerly, I think, lived in Rhodesia and he, as far as I noticed, gave a very good description about the installation in the States.

Q. Did you make any observations about the attitude of these prisoners to members of foreign military in connection with members of occupation who baled out of aircrafts ?

A. Here I can quote a special case. An English bomber crew was shot down over the Camp Rhede during a night flight. The rear gunner of that machine was seriously wounded, he was unable to free himself from that machine. The aircraft was in flames, and I could see myself how members of the SA saved his life, imperiling their own lives. I received a telephone call about that and I communicated with Dr. Engel, the SA doctor, who came himself and gave first aid to the wounded man, and put bandages on him, and so on. In additi the SA men brought coffe for the captured men, gave them cigarettes, and the wounded man who was on a stretcher asked for permission to write to his mother. I gave that permission and ofrwarded that letter via the German Red Cross. Until we handed over these prisoners to the Wehrmacht they were regarded as guests of the men guarding the camp.

H1021 - 0048

Q. To sum up, is it correct that these camps in the Emsland were State institutions and not concentration camps ?

A. The Camp of Esterwegen was a Concentration Camp until the year 1936. And was managed by the SS. All the other s were taken over by the Prussian Ministry of Justice by the 1st of April 1934 and became prison camps. Esterwegen became a prison in 1936, and was taken over in addition. The SS transferred their own concentration camp prisoners to Sachsenhausen. Both institutions were strictly separated from one another.

Q. You mean Oranienburg and the other camps ?

A. Well, Esterwegen also, and these institutions.

Q. And it is correct, too, that in these camps in the Emsland there were ordinary prisoners and not political prisoners ?

A. Almost without exceptions there were ordinary criminals apartment from a small number of political prisoners who, however, were sentenced by the ordinary courts. But for all prisoners a sentence by a judge was the basis for their imprisonment.

DR. BOEHM: I have no further questions.

THE COMMISSIONER: Cross examination, Col Jones ?

CROSS EXAMINATION

BY COL. GRIFFITH JONES:

Q. You told us a story about Dr. Ludwig Levy, and I see your book which you wrote on the concentration camp that you published the letter which he wrote to the Times in which he says that he was never maltreated while in you Oranienburg Concentration Camp. Dr. Levy was in Germany when he wrote that, wasn't he -- he was in Potsdam ?

A. No.

Q. His letter -- the address given in his -- is Potsdam.

A. He formerly used to be in Potsdam; he was a lawyer.

Q. Where do you suggest he was when he wrote that letter ?

A. I got that letter from London.

Q. Now, why should Dr. Levy write from London and put the letter hearing Potsdam, in his letter ?

H1021 – 0049

A. May I ask for permission to see that book for a few moments ?

(And the witness inspects the book.)

Q. Now, perhaps you can answer my question. Why should he write Potsdam on his letter if in fact he was writing from London ?

A. I only know that as a matter of fact he wrote that article in London.

Q. If in fact he was at Potsdam he is only some thirty miles from Oranienburg, is he not ? Is that right ?

A. Yes, It is farther away from Oranienburg; but I don't know how to answ that question. I could not quite get it.

Q. Do you think if Dr. Levy had been visited by the Gestapo or by SA and informed that he would return to Oranienburg if he didn't write the letter that you wanted, do you think that might have produced the letter ?

A. I don't think it, and furthermore,I am firmly convinced that there was no pressure exercised on Dr. Levy in this direction. All the more I am convinced that Dr. Levy whom I knew as a straightforward and honest man wrote that letter in London on his own initiative.

Q. The article that had appeared in the Times had described appalling ill treatment of prisoners

H1021 - 0050

in your Camp at Oranienburg, had it not? You can answer that yes or no.

A Yes. The article was.

Q And Dr. Levy's name had been mentioned as one of the prominent, or well-known prisoners?

A Yes.

Q If you wanted to refuse the allegations which were contained in that article, and if Dr. Levy happened to be living at Potsdam, the best way you could refute those allegations would by by a letter from Dr. Levy, would it not?

A Yes, Dr. Levy sent me this correction on his own initiative from London.

Q Can you give me any explanation, can you offer any explanation, of why that article should have been written if in fact it was wholly untrue?

A It is very difficult to make a statement on that question. One answer might be, but this is my own guess, that some of those people who migrated to those countries were in financial difficulties, and so writing articles like that is a means of improving your position.

Q This is an article, you know, by a German correspondent of the Times newspaper. I want you to listen again, while the interpreter reads out a few short passages, of what that correspondent says happened in Oranienburg.

INTERPRETER: (Quoting: Translating) "At once they shouted at us and they told us to take our place in the line and then we were forced to climb on trucks which the Nazis had brought along with them. We had to leave everything. Whoever did not hurry up and was not fast enough in climbing on these trucks were beaten with iron and rubber bars. Later on the SA leaders climbed from their trucks whereas we followed them in our trucks. On every truck there was a machine gun. We were allotted on these trucks always with 30 SA men to ten of us. The SA men came from Berlin and belonged to 3 Stuermann."

COL. GRIFFITH JONES: Now, will you listen to the next quotation from the interpreter?

THE INTERPRETER: (Still translating) "The SA told everybody that we were Jews and our fathers had brought on Germany and their many sons the war.

H1021-0051

When the people who were standing around heard this they insulted us and we were beaten when we tried to answer."

COL. GRIFFITH-JONES: Did you ever see a thing like that happen in Oranienburg?

Now, go on, interpreter -- read those other passages.

INTERPRETER: "Whoever wanted to sit down was beaten." (Translation).

DR. BOEHM: Let him read the German text too, please; he's just read the English.

INTERPRETER: "Everybody received a small cup of coffee, and one piece of bread, and this was our first food on that day."

COL. GRIFFITH-JONES: Did you ever hear SA men speakingof Jews and beatin them like that... I don't suppose so.

THE WITNESS: No.

BY COL. GRIFFITH-JONES:

Q SA men never did anything like that, did they?

A When these prisoners came in I was not present, but I know very well what the whole story was about.

Q I don't want to hear your story. You told me it never happened, is that correct? Or did it happen?

A I cannot answer this question as you put it because I was not here. It was strictly forbidden -- ill treatment was strictly forbidden -- and this would have been ill treatment.

Q Very well, just read on, will you, interpreter?

INTERPRETER: (Quoting - translating): "Well known prisoners were beaten more frequently than others, but everybody got his full share especially when the Nazis came from the little restaurants in the neighborhood in the evening, then it would happen that they came into the big hall and some of the prisoners were then terribly beaten."

BY COL. GRIFFITH-JONES:

Q That could not have happened without your knowing it, could it?

THE WITNESS: I should like to stress once more the fact that I do not know anything about prisoners being beaten and I do not believe it.

Q Perhaps you can tell me how. Why should that German correspondent have written that, and why should the Times newspaper have published it, if it was one tissue of lies?

H1021-0052

A The fact that I was convinced of the absolute untruthfulness of this report is the fact that I had it printed in my book.

Q What I want you to tell me, if you will, if you can, -- can you offer any explanation as to why that correspondent should have written it, and why the Times newspaper should have published it, if it is all a complete tissue of lies?

A I cannot tell you. I do not know anything about it.

Q That kind of treatment was going on in other concentration camps under the SA, wasn't it?

A As far as I can tell you anything about this problem, I can only state that as far as Oranienburg is concerned, never a case became a subject of war process, but I heard about at the trial - which dealt with the concentration camp of Hohenstein, as a result of which high prison sentences were pronounced against the defendants.

Q Did you ever hear that the Minister of Justice had complained about the treatment of prisoners by the SA in Hohenstein Concentration Camp?

A I only learned later that there had been a trial against the guards of Hohenstein.

Q Let me just remind you of what was happening in Hohenstein: The Minister of Justice writes -- and I refer to Document 787, US 421 -- In the camp serious mistreatment of prisoners has been going on at least since the summer of 1933. The prisoners were not only beaten into a state of unconsciousness for no reason withwhips and other tools, but were also tortured in other ways." Then he sets out examples of the torture. He describes what happened to one prisoner. The prisoner was led across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles.

Do you agree with me that it is a most curious coincidence that that should have been going on in Hohenstein in 1933, and that the German correspondent of the Times newspaper should be writing of exactly the same thing going on in Oranienburg?

A Personally, my capacity as an old SA leader -- I regret those conditions which I just learned reigned in the camp at Hohenstein, but I beg you to believe me that the description of Oranienburg as given in the articles

H1021-0053

of the Times which was mentioned here were untruthful, and I beg you to take into consideration the fact that the persons who have given this testimony here were inmates of charitable Jewish organizations in Berlin, and I beg you to take into consideration the fact that it was one of these young men who migrated to London and who saw immediately Mrs. Bossenby and cheated for money. These were explicitly criminal elements. With reference to these, Jewish charitable organizations had the greatest difficulties, and I may state in connection with this that the above mentioned Dr. Levy came to me and called my attention to the fact that these young men should be separated from the other prisoners in the interests of the other prisoners, and should be placed under better guard. Because they constituted a danger to the other prisoners by their very character.

Q Dr. Levy appears to be a very good friend of yours, doesn't he?

A I cannot say this.

Q He is warning you about dangerous Jews which you happen to have in your camp. I presume he is a Jew himself?

A Yes, of course, he was a Jew.

Q And then, when foreign newspapers tell the world what is going on in your camp he comes again to your rescue and writes you a letter that it is all untrue?

A I think that was most decent of him to write such a letter, and all the more that he was himself one of the victims of that treatment.

Q Not many Jews in Germany would do that to help the SA, would they, in 1933?

A That may be, I don't know anything about it.

Q Unless, of course, it was that they lived 30 or 40 miles away from Oranienburg and were threatened with immediate reincarceration in their camp if they did not do what you wanted?

A I must refute the application of such a method.

COL. GRIFFITH-JONES: I have no further questions.

THE COMMISSIONER: Col. Orlov?

COL. ORLOV: No questions.

DR. BOEHM: May I put one further question?

H1021-0054

THE COMMISSIONER: Yes, we have the time.

BY DR. BOEHM:

Do you know that the commander and guards of the concentration camp Hohenstein were heavily punished to prison sentences because of ill treatment of prisoners?

A Yes.

DR. BOEHM: No further questions.

THE COMMISSIONER: Very well, the witness may be excused.

Col. Neave wants me to ascertain whether there are any other SA witnesses to be heard tomorrow morning.

DR. BOEHM: I just learned this morning that a witness by the name of Dr. Wolf is here, but I cannot tell you whether this is the right Dr. Wolf. We have already had two Dr. Wolfs, so I first have to inquire whether this is the Dr. Wolf we want here. But as far as I know another organization wants to hear another witness, even this afternoon. I do not know exactly.

THE COMMISSIONER: We will hear Hausser for the SS tomorrow afternoon at two o'clock, unless there are some SA witnesses that you want to hear in the morning.

DR. BOEHM: I cannot say this, as I don't know whether this is the right Dr. Wolf. I will tell you at two o'clock.

THE COMMISSIONER: You will get in touch with Col. Neave when you do ascertain.

The Commission adjourned until two o'clock.

The foregoing is a true and correct transcript of the testimony of WERNER SCHAEFER, taken on 18 July 1946.

Alice Meehan
Reporter

Mabel A. Lesser
Reporter

Biolsi
Reporter

CERTIFIED TO:

A. Martin-Havard.
Commissioner